

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

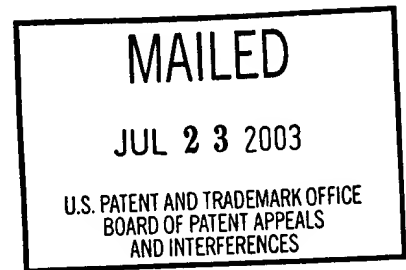
---

Ex parte DAVID S. HERNDON

---

Application No. 09/901,429

---



**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

---

This application was received at the Board of Patent Appeals and Interferences on June 30, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed December 2, 2002 (Paper No. 11). The IDS needs to be considered by the Primary Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellant of the Primary Examiner's decision is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for consideration of the Information Disclosure Statement (Paper No. 11), and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

Craig R. Feinberg  
Program and Resource Administrator  
(703) 308-9797

Benjamin A. Adler  
Adler & Associates  
8011 Candle Lane  
Houston, TX 77071

dem  
RA03-0429